

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Applicant:	Douglas J. ALLEN	Group Art Unit: 1618
Serial No.:	10/613,619	Examiner: Blessing M. Fubara
Application Date:	07/03/2003	Conf No.: 4376
For:	2-Methyl-Thieno-Benzodiazepine Formulation	
Docket No.:	X-11666C	

REMARKS PURSUANT TO 37 C.F.R. § 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

Entry of the following remarks into the present application is respectfully requested pursuant to the attached Request for Continued Examination under 37 C.F.R. § 1.114.

REMARKS

Applicants wish to point out that a Notice of Allowance, mailed October 4, 2006, was received in the present application wherein pending claims 1, 3-7, 10-17, 21-23 and 34 were allowed by the Office. In the Allowable Subject Matter section, page 3, which provided reasons for allowance of the pending claims, the Office stated the following:

“The claimed olanzapine pamoate monohydrate having powder X-ray diffraction pattern shown in Table 2 of the specification has been shown to be effective as a sustained release formulation of oleaginous or cholesterol microsphere carrier and olanzapine pamoate monohydrate as shown by the assay method using dogs and rabbits. Composition comprising olanzapine pamoate monohydrate having the X-ray diffraction pattern shown in Table 2 and oleaginous or cholesterol microsphere carrier cannot be found in the art except that found in applicant’s own work. Terminal disclaimer has been filed over US 6,617,321. Pending claims as amended by Examiner’s amendment are allowable.”

In order to avoid any misunderstanding regarding the scope of the allowed claims 1, 3-7, 10-17, 21-23 and 34, Applicants wish to make the following clarifications. First, none of the allowed claims limit the scope of the claim element “olanzapine pamoate monohydrate” to the specific X-ray diffraction pattern as shown in Table 2. More specifically, the element

“olanzapine pamoate monohydrate” in the allowed claims is not limited by any characterization technique.

Second, the formulation of allowed claim 34 is not limited to oleaginous or cholesterol microsphere carriers. Rather, claim 34 relates to a formulation comprising olanzapine pamoate monohydrate as an active ingredient, and one or more carriers.

Applicants also recognize that an Examiner’s amendment to the application was authorized by Nelsen L. Lentz on 9/29/06 and entered by the Office as follows:

In the claims:

Claim 1, line 5, after “and” add –up to 30 days, and –

Claim 4, line 3, after “cellulosic” delete the comma

Claim 6, line 1, after “claim” change 2 to 1

Claim 24 is canceled

Applicants submit that claims 1, 3-7, 10-17, 21-23 and 34 are in condition for allowance and allowance of claims 1, 3-7, 10-17, 21-23 and 34 is kindly solicited.

Respectfully submitted,

/Nelsen L. Lentz/

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Attachment: RCE